

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CIVIL REVISION APPLICATION NO.487 OF 2003

Bhagwandas Murlidhar Ladda & Anr. Petitioners
Vs.
Sudam Bhaskarrao Rajole & Ors. Respondents

Sarvasri S.A. Raj Shirke h/for M.S. Karnik
for the Petitioners.

CORAM: R.M.S. KHANDEPARKAR, J.

DATED: DECEMBER 02, 2004

P.C:

1. Heard the learned Advocate for the petitioners.
2. The petitioners challenge the order dated 30-1-2003 passed by the Civil Court, Nasik, rejecting the objection regarding jurisdiction to entertain the suit. Undisputedly, the suit has been filed for recovery of money as well as for declaration of the status of the respondent/plaintiff as the Director of the company. As far as the suit for recovery of money is concerned, no fault can be found with the impugned order holding that the Civil Court has jurisdiction to entertain the suit. As regards the alternative relief in the nature of declaration of status asked for, certainly evidence on that aspect is necessary and the petitioners would be entitled to raise the said issue based on the evidence

to be produced in the facts and circumstances of the case and since the declaration is asked merely as an alternative relief, it is not necessary to consider the contention sought to be raised by the petitioners in that regard at this stage. While leaving open the said issue and granting liberty to the petitioners to raise the necessary issue as regards the absence of jurisdiction to grant the alternative relief asked for in relation to the status of the plaintiff in the written statement filed by the petitioners, the Court is required to deal with the said issue at the time of disposal of the suit. With these observations, the petition is disposed of.
